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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,398	12/21/2001	Dan S. Decasper	004781.P007	4243

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EXAMINER

NGUYEN, THAN VINH

ART UNIT PAPER NUMBER

2187

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,398

Applicant(s)

DECASPER ET AL.

Examiner

Than Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-12, 14-17, 19, 20, 22-25 and 27 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 13, 18, 21 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/3/05 has been entered.
2. This is a response to the amendment, filed 3/3/05.
3. Claims 1-27 are pending.

Response to Arguments

4. Applicant's arguments, see amendment, filed 3/3/05, with respect to the rejection(s) of claim(s) 1-27 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kikinis.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9,22 recites the limitation "the one or more objects" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant claims a program stored on an article of manufacture, executable by a system. The claimed invention is nonstatutory. In order to be statutory, Applicant must indicate that the article of manufacture is a **computer (not a system) readable medium**. Without the computer-readable medium needed to realize the computer program's functionality, the invention is classified as nonstatutory functional descriptive material (MPEP 2106).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4,6,7,9-12,14-17,19,20,22-25,27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kikinis (US 6,076,109).

As to claims 1,14,27:

7. Kikinis teaches the claimed method and apparatus comprising: a browser on a client requesting for a content object to be sent to retrieve the content object for display using the browser (hand held browser requests file; 10/6-11; Fig . 4); the client receiving a content object over a network connection ((server received file from web server; 10/20-27); the client, after

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receiving the content object and prior to allowing the content object to be dynamically displayed, examining the content object and changing a portion of the content object to reflect information stored locally to the client (modify downloaded file; 10/30-36); and the browser on the client displaying the content objected changed on the local information at the client (display on browser; 10/40-44).

As to claim 2,12,15,25:

8. Kikinis teaches the content object includes a program that uses the information to indicate how the content object is to be generated at the client (user info, 10/30-36).

As to claim 3,16:

9. Kikinis teaches the modifying the program to change a representation of the content object that is to be dynamically generated (modify file; 10/30-36)).

As to claim 4,17:

10. Kikinis teaches modifying the program to change a representation of the content object based on whether an individual is subscribed to one or more other objects (modify file based on user info; 10/30-36).

As to claims 6,7,19,20:

11. Kikinis teaches replacing at least one string/program in the content object (modify file; 10/30-36,57-67,11/1-10; Fig. 4).

As to claim 9,22:

12. Kikinis teaches determined whether the objects are stored with the client (determined cached; 15/15-22).

As to claim 10-11,23,24:

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13. Kikinis teaches changing the content object by an agent/middleware (proxy server; 10/10-35)

Allowable Subject Matter

14. Claims 5,8,13,18,21,26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. As to claim 5,18, the prior art does not further suggest modifying the program to change a representation of the content object based on whether one or more objects are stored in the client's cache.

16. As to claim 8,21, the prior art does not further suggest the client changing the portion of the content object to reflect information stored locally to the client comprises the client changing the content object with one or more additional objects if the client determines and individual has subscribed to the one or more additional objects..

17. As to claim 13,26 the prior art does not suggest the information comprises an indication of whether one or more other objects to be displayed when the content object is displayed are stored with the client.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Than Nguyen whose telephone number is 703-305-3866. The examiner can normally be reached on 8am-3pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Than Nguyen
Examiner
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